



City Council Meeting
CIBOLO MUNICIPAL BUILDING
200 S. MAIN
May 27, 2014
7:00 P.M.

MINUTES

1. Call to Order – Meeting was called to order by Mayor Jackson at 7:00 p.m.
2. Roll Call – Mayor Jackson, Councilman Pedde, Councilman Garrett, Councilman Castro, Councilman Doty, Councilman Carlton, Councilman Hogue and Councilman Dunn; Staff: City Manager Herrera, City Attorney Banks, City Secretary Cimics, Finance Director Miranda, ED Director Luft, Fire Chief Niemietz, Police Chief Cox, City Engineer Klein, City Planner Gonzalez and Public Works Director Fousse.
3. Invocation – Councilman Castro gave the invocation.
4. Pledge of Allegiance – All in attendance recited the Pledge of Allegiance.
5. Citizens to be Heard
This is the opportunity for visitors and guests to address the City Council on any issue. City Council may not debate any non-agenda issue, nor may any action be taken on any non-agenda issue at this time, however, City Council may present any factual response to items brought up by citizens.

The following individuals signed up to be heard:

Paul Miller of Crystal Valley Drive thanked the City for the street repairs on his street. Joel Hicks of Lamar St. spoke to council on his letter he received on the Gilbert Tract and was worried about flooding and drainage problems. Mr. Hicks also spoke on item 10F with concerns over the project that will affect his property. He spoke on item 10H wanting to slowdown the growth before someone gets hurt on FM 1103. Paul Buell of Main Street stated that the Bentwood Ranch HOA needs to accept the judge ruling and suggested to council that the City needed to file suit against the HOA to get some legal fees back. Carol Alvarado of Weeping Willow thanked the council for all the accomplishments in the past six months and stated it was time the City moved forward. Glenn Weber of Wagon Wheel Way stated he was glad to see Wal-Mart coming to Cibolo and he was in favor of getting legal fees back from Bentwood HOA. Jim Russell Brush Trail Bend shared a letter that was posted by Mr. Larkins and stated that statements in the letter were outrageous. Mr. Russell stated that this needs to stop and that the City needs to take a hard-line against Mr. Larkins. Marji Buell of Main Street requested if the newspaper quote's someone they should make sure the quote is correct also requested that the City request attorney fees from and HOA. T.G. Benson of Springtree Hollow has lived in Cibolo for over 5 years and has been watching what has gone on in the city quietly. He stated he could no longer just sit back it is now time to get some of the city money back. Verna Crawford of Lamar Street spoke in opposition to the Gilbert Tract. Melvin Hicks of Apache Circle gave kudos to all those that helped with the Memorial Day Event. Mr. Hicks also spoke on item 10J and ask Councilman Garrett if he was going to apologize to Mr. Stricker. Mr. Hicks suggested that we rename the Multi-Event Center "Veterans Memorial Field". Mike Miller of Hightrail Rd spoke to council on the need for an 18 and under place to play baseball/softball. He would hope that as the city moves forward with building of fields they consider fields for upper level play. Councilman Hogue read a letter from Mark Rightnour who was out of the country on business. Mr. Rightnour stated that the city has already spent an inordinate amount of time and money on the lawsuit and he felt it was time for the council to have the Bentwood Ranch HOA reimburse the city for any costs following the date the judge released his opinion.

6. Public Hearing

- A. The City Council will hold a public hearing to receive public testimony concerning the rezoning and the assignment of permanent zoning to 210.15 acres of real property located east of FM 1103 on Green Valley Road, immediately east of the development known as Mustang Valley Estates. The 210.15 acres is comprised of 206.91 acres that may be voluntarily annexed into the city on May 27, 2014 and assigned permanent zoning from Agricultural (AG) district to Planned Unit Development (PUD) district to allow a mixed use development comprised of uses allowed in the retail, office and single family residential zoning districts and the remaining 3.2417 acres will be rezoned from Single-Family Residential (SF-1) to PUD.

Mayor Jackson opened the Public Hearing at 8:02 p.m. The developer gave a presentation. Mr. Joel Hicks wanted to know when do the developers think the citizens can expect to see the commercial side of the project being built. Mayor Jackson closed the Public Hearing at 8:27 p.m.

- B. The City Council will hold a public hearing to hear public testimony regarding the rezoning of approximately 92.32 acres immediately north of Turning Stone and west of FM 1103, to be rezoned from the Single-Family Residential (SF-1) zoning district to the Single-Family Residential (SF-2) zoning district.

Mayor Jackson opened the Public Hearing at 8:27 p.m. The developer had a power point presentation. Mayor Jackson closed the Public Hearing at 8:37 p.m.

7. Presentation

- A. Presentation of Employee of the Quarter Award for the period January thru March 2014.

City Manager Herrera presented the Quarter Award for the period January thru March 2014 to Lisa Gonzalez from the Planning Department.

8. Consent Agenda – Consent Items (General Items)

- A. Approval of the minutes of the Regular City Council Meeting held on May 13, 2014.
- B. Acceptance of the April 2014 Check Register pending final acceptance of the City's financial audit for the 2014/15 Fiscal Year.
- C. Acceptance of the Revenue & Expense Report ending April 30, 2014 pending final acceptance of the City's financial audit for the 2014/15 Fiscal Year.

Councilman Castro moved to approve the consent agenda. Motion was seconded by Councilman Pedde. For: Council Members: Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

9. Staff Updates/Discussion

- A. Police Department
- B. Drainage Department
- C. Parks Department
- D. Street Department

E. Utility Department

F. Administration

Mr. Herrera thanked everyone involved in the Memorial Day Event. He stated he thought it was well planned and thanked the Fire Department for last minutes changes due to rain. City Manager also informed council that Cibolo was ranked eleventh in the nation for being a "Fun City".

10. Discussion/Action

- A. Discussion/Action on the removal, appointments and re-appointments to Planning and Zoning Commission, Parks Commission, Streets and Drainage Commission, Board of Adjustments Commission, Capital Improvement Program (CIP), Cibolofest Committee, UDC Committee, Cibolo Youth Council and the Cibolo Economic Development Corporation.

Councilman Dunn made the motion to appoint Councilman Hogue as council liaison to the CIP Committee. Motion was seconded by Councilman Doty. For: Councilman Pedde, Garrett, Castro, Doty, Carlton and Dunn; Abstain: Councilman Hogue. Motion passed 6 to 0 with one abstention.

Councilman Hogue made the motion to appoint Pat Evans as the EDC representative to the UDC Committee. Motion was seconded by Councilman Pedde. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

Councilman Hogue made the motion to appoint James Tibbett as the S&D representative to the UDC Committee. Motion was seconded by Councilman Castro. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

Councilman Carlton made the motion to appoint Melvin Hicks to the UDC. Motion was seconded by Councilman Dunn. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

Councilman Dunn made the motion to appoint Carl Blanchard to the UDC Committee. Motion was seconded by Councilman Castro. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

Councilman Pedde made the motion to re-appoint Pat Evans, Dick Hetzel and Tony Abel to the Economic Development Corporation. Motion was seconded by Councilman Doty. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

- B. Discussion/Action regarding the Land Study of Nortex Farms Subdivision.

This item was pulled from the agenda.

- C. Discussion/Action regarding the acceptance of the Preliminary Plat for the Cibolo Shopping Center.

Councilman Castro made the motion to approve the acceptance of the Preliminary Plat for the Cibolo Shopping Center. Motion was seconded by Councilman Carlton. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

- D. Discussion/Action regarding the acceptance of the Preliminary Plat for Cibolo Summit 10.

Councilman Castro moved to approve the Preliminary Plat for Cibolo Summit 10 with the stipulation that the Final Plat will not be approved until the TIA is submitted and approved. Motion was seconded by Councilman Carlton. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

- E. Discussion/Action regarding the Site Plan of Cibolo Self Storage Facility (N. Main St.) per the approved Conditional Use Permit Ordinance.

Councilman Carlton moved to approve with the condition that all outside walls conforms to the stucco/masonry requirement of the UDC as well as 50 ft on both entrance walls and that the Conditional Use Permit is amended. Motion was seconded by Councilman Pedde. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

- F. Discussion/Action and authorization for the City Manager to enter into a contract with Vickrey & Associates, Inc. for Engineering Design Services for the Town Creek Drainage/Flood Attenuation Project.

Mr. Joel Hicks ask exactly where this project is. Councilman Dunn moved to authorize the City Manager to enter into a contract with Vickrey & Associates, Inc. for Engineering Design Services for the Town Creek Drainage/Flood Attenuation Project. Motion was seconded by Councilman Doty. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

- G. Discussion/Action on suspending the 2014 Annual Grip Adjustment from Centerpoint Energy for a period not to exceed 45 days.

Councilman Castro moved to suspend the 2014 Annual Grip Adjustment from Centerpoint Energy for a period not to exceed 45 days. Motion was seconded by Councilman Carlton. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

- H. Discussion/Action and approval for the City Manager to prepare a preliminary study addressing the residential growth rate which is occurring within the Cibolo city limits and to report back to council concerning the city's ability to meet the expectations associated with the anticipated population growth (traffic, drainage, parks, water, sewer and staffing). Allow the City Manager to explore methods, practices, and legal options which may help the city to reduce the pace of residential developments north of State Highway 78.

Council gave direction for the City Manager to prepare a preliminary study addressing residential growth to include FM 1103 and options the City may have in addressing this concern.

- I. Discussion/Action and direction to staff on the status of Bond funded projects.

Finance Director gave a presentation to council on the status of bond funded projects.

- J. Discussion/Action regarding the investigation into conduct by the former and current Mayor and Council as well as former and current city staff or others relating to the issues associated with the Wal-Mart Development Project.

Councilman Hogue, Garrett and Carlton went to the County Attorney's Office after the last council meeting. The direction was given for this investigation was to go to the County Attorney, District Attorney and Texas Rangers. Councilman Hogue stated that the County Attorney has finished his investigation and found no grounds of criminal charges against anyone. Councilman Garrett apologized to the City Manager and the Mayor Jackson stated it was now time to move on.

- K. Discussion/Action on the review and confirmation of all upcoming special meetings and workshops and scheduling the time, date, and place of additional special meetings or workshops.

Council went over the calendar for May and June 2014.

11. Ordinance

- A. Approval/Disapproval of an Ordinance amending the Utility Fee Schedule of the City of Cibolo.

Councilman Carlton moved to approve the ordinance amending the Utility Fee Schedule of the City of Cibolo. Motion was seconded by Councilman Castro. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

- B. Approval/Disapproval of an Ordinance providing for the voluntary extension of the Cibolo, Texas by the annexation of a tract of land that contains an area of 206.91 acres located east of FM 1103 on Green Valley Road, east of the development known as Mustang Valley Estates and immediately adjacent to the existing boundaries of the City of Cibolo.

Councilman Pedde moved to approve the ordinance providing for the voluntary extension of the Cibolo, Texas by the annexation of a tract of land that contains an area of 206.91 acres located east of FM 1103 on Green Valley Road, east of the development known as Mustang Valley Estates and immediately adjacent to the existing boundaries of the City of Cibolo. Motion was seconded by Councilman Carlton. For: Councilman Pedde, Castro, Doty, Carlton, Hogue and Dunn; Against: Councilman Garrett. Motion carried 6 to 1 (Garrett).

- C. Approval/Disapproval of an Ordinance assigning a permanent zoning classification of certain properties located east of FM 1103 on Green Valley Road and immediately north of the development known as Mustang Valley Estates; comprised of 206.91 acres known as Nortex Subdivision from Agricultural (AG) to Planned Unit Development (PUD) District to allow a mixed use development comprised of uses permitted in C-1, SF-2 and SF-3 zoning districts.

This item was pulled by the Developer.

- D. Approval/Disapproval of an Ordinance amending the zoning classification of certain properties located east of FM 1103 on Green Valley Road and immediately north of the development known as Mustang Valley Estates; comprised of 3.2417 acres known as Nortex Subdivision from Single-Family Residential (SF-1) to Planned Unit Development (PUD) District to allow a mixed use development comprised of uses permitted in the C-1, SF-2 and SF-3 zoning districts.

This item was pulled by the Developer.

- E. Approval/Disapproval of an Ordinance to rezone certain real property located immediately north of the development known as Turning Stone and west of FM 1103; comprised of 98.406 acres of which 6.086 acres along FM 1103 would be rezoned from Rural Single-Family Residential (SF-1) to Retail/Office (C-3).

Council postponed this item for a later date.

- F. Approval/Disapproval of an Ordinance to rezone certain real property located immediately north of the development known as Turning Stone and west of FM 1103; comprised of 98.406 acres of which 92.32 acres along FM 1103 would be rezoned from Rural Single-Family Residential (SF-1) to Single-Family Residential (SF-2).

Council postponed this item for a later date.

12. Executive Session

The City Council will meet in Executive Session as authorized by the Texas Gov't Code Section 551.071 Consultation with Attorney and Section 551.074 Personnel Matters to discuss:

- A. Discussion regarding the pending litigation of Bentwood Ranch Homeowners Association vs. City of Cibolo.

Council went into Executive Session to discuss item 12 A at 7:27 p.m.

- B. Annual Performance Evaluation of the City Manager.

Council went into Executive Session to discuss item 12 B at 10:50 p.m.

13. Open Session

Council reconvened into regular session on item 12 A at 7:55 p.m. Councilman Dunn made the motion that the City Attorney's office be directed to take the necessary actions to seek attorney fees for legal work conducted after March 13, 2014 which the City incurred in the Bentwood Ranch lawsuit. Councilman Pedde seconded the motion. For: Councilman Pedde, Doty, Carlton, Hogue and Dunn: Against: Councilman Garrett and Castro. Motion carried 5 to 2 (Garrett/Castro).

Council reconvened into regular session at 11:57 p.m. Councilman Doty made the motion to approve a salary adjustment for City Manager Herrera in the amount of 3% over the current base salary. Motion was seconded by Councilman Carlton. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn: Against: None. Motion carried 7 to 0.

14. City Council request(s) regarding specific items to be scheduled for future agendas.

No items at this time.

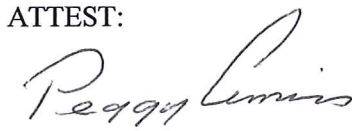
15. Adjournment:

Councilman Castro moved to adjourn the meeting at 11:59 p.m. Motion was seconded by Councilman Doty. For: Councilman Pedde, Garrett, Castro, Doty, Carlton, Hogue and Dunn; Against: None. Motion carried 7 to 0.

PASSED AND APPROVED THIS 10TH OF June 2014


Lisa M. Jackson
Mayor

ATTEST:


Peggy Cimics, TRMC
City Secretary

